

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:08-CV-197-D

EARL CLYDE KELLY, )  
on behalf of himself and all others )  
similarly situated, )  
Plaintiff, )  
v. )  
GEORGIA-PACIFIC LLC, and )  
GEORGIA PACIFIC WOOD )  
PRODUCTS LLC, )  
Defendants. )

**ORDER**

On July 2, 2010, plaintiffs Earl Clyde Kelly, James Wicker, and Teresa Wicker filed a second amended complaint [D.E. 68, 69]. In light of the second amended complaint, defendants' motion to dismiss the amended complaint [D.E. 47] is DENIED as moot. The court will resolve defendants' motion to dismiss the second amended complaint in due course in accordance with the parties' May 19, 2010 stipulation [D.E. 66]. No additional briefing is needed.

SO ORDERED. This 6 day of July 2010.

  
JAMES C. DEVER III  
United States District Judge